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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/540,913	06/29/2005	Albrecht Schneider	P08127US00/MP	8702
881	7590	10/17/2008	EXAMINER	
STITES & HARBISON PLLC 1199 NORTH FAIRFAX STREET SUITE 900 ALEXANDRIA, VA 22314			FLORES SANCHEZ, OMAR	
		ART UNIT	PAPER NUMBER	
		3724		
		MAIL DATE		DELIVERY MODE
		10/17/2008		PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/540,913	SCHNEIDER, ALBRECHT	
	<b>Examiner</b>	<b>Art Unit</b>	
	Omar Flores-Sánchez	3724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 26 June 2008.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-3,5-8,11-14,16,17,19 and 20 is/are rejected.
- 7) Claim(s) 4,9,10,15 and 18 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ .  | 6) <input type="checkbox"/> Other: _____ .                        |

**DETAILED ACTION**

1. This action is in response to applicant's amendment received on 06/26/08.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 5-8, 11-14, 16-17, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosene et al. (5,752,424).

Rosene et al. discloses the claimed invention including a die plunger 20, a guide bushing 26, a bore 50, an annular groove 96 (see Fig. 11, the area close to the stabilizing surface 98 form an annular groove), holding elements/balls 55, transverse bores 60, a punch die 90, a flange 100 and transverse bores are tapered (see Fig. 3). Rosene et al. teaches a C-ring 80 instead of a washer. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the C-ring of Rosene et al. by providing washer, since the Examiner takes Official Notice of the equivalence of the washer and C-ring for their use in the locking art and the selection of any of these known equivalents to retain the locking element would be within the level of ordinary skill in the art. Also, the outer diameter of which the elastic washer/C-ring 80 is less in the engagement position than the inner diameter of the guide bushing (see Fig. 13A), and which elastic washer/C-ring 80 can be widened to a diameter greater

than the inner diameter of the guide bushing when the die plunger is removed from the guide bushing (C-ring can be widened to a diameter greater when the pin 81 is forced to slides out of a dimple 65 causing the C-ring to expand). Regarding, the elastic washer made of steel is inherently disclosed, since the C-ring of steel is old and well known in the art. Also, the rear end face of the punching die rests against the bottom of the bore in the die plunger (see Fig. 12A). Also, the C-ring 80 provides radially biasing force by forcing the locking element to a locked position biasing the bearing 55 in contact with the surface 96 of the tool (col. 5, lines 58-60).

#### *Allowable Subject Matter*

4. Claims 4, 9-10, 15 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### *Response to Arguments*

5. Applicant's arguments have been fully considered but they are not persuasive. Applicant argues that Rosene doesn't disclose the C-ring function as an elastic element. However, in order to perform the function of the pin 81 sliding in and out of the dimples 65, the c-ring needs to be resilient which is inherently disclosed. Also, a resilient/elastic C-ring is old and well known in the art and one of ordinary skill in the art would recognize the properties of the C-ring as shown in the art. Also, applicant argues that C-ring doesn't hold the element/ball 55 in engagement with the punching die. However, Fig. 12A show at least one ball 55 in engagement with the

punching die when the C-ring urges the locking element 70 to a locked position which forces the bearing 55 in contact with the surface 96 the surface 96 of the tool (col. 5, lines 58-60).

***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Omar Flores-Sánchez whose telephone number is 571-272-4507. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/O. F./  
Examiner, Art Unit 3724  
10/14/2008  
/Boyer D. Ashley/  
Supervisory Patent Examiner, Art Unit 3724